

Commercial Vehicle Enforcement Quarterly

Spring 2012



Fireworks Legal in Michigan – Public Act 256 of 2011 effective January 1, 2012

The passing of Public Act 256 makes it legal to possess, transport, and use all novelty, low-impact, and consumer fireworks in Michigan.

The transportation of these fireworks is not regulated in Michigan if being transported for personal use, and not in commerce. However, the commercial transportation of all fireworks continues to be regulated by the Michigan Motor Carrier Safety Act (PA 181 of 1963). This includes the proper display of placards on the vehicle as required, all package marking and labels, hazardous material shipping papers, emergency response information and proper load securement.

MCL 28.452 specifies the personal conduct for use of fireworks; state regulated restrictions, and provides penalty provisions for violations associated with firework sales, use and transportation. Consumer fireworks means devices designed to produce visible effects by combustion, which are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States consumer product Safety Commission under 16 CFR parts 1500 and 1507. Consumer fireworks are listed in the American Pyrotechnics Association (APA) standard 87-1, 3.1.2, 3.1.3, or 3.5. Low-impact fireworks are not included in this definition but include fountains, smoke devices, and some sparklers.

- Division 1.3 explosives represent the majority of display fireworks and, by definition, pose a fire hazard, and either a minor blast or projectile hazard, or both, but not a mass explosion hazard.
- Division 1.4 fireworks represent the majority of consumer fireworks and are defined as explosives that present only a minor explosion hazard, the effects of which are largely confined to the package with no projection of fragments of appreciable size or range.

Compatibility Group G – The “G” compatibility group designation further describes these explosives as a pyrotechnic article or an article containing both an explosive substance and an illuminating, incendiary, tear-producing, or smoke-producing substance.

Examples of Placards associated with fireworks transportation



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MPSC Enforcement Issue

Public Act 111 of 2011 amended the Motor Carrier Act (PA 254 of 1933) by mandating the Public Service Commission regulate all towing companies. Effective January 1, 2012, all businesses operating a commercial motor vehicle to transport vehicles, for hire, are subject to the Michigan Motor Carrier Act and must obtain intrastate operating authority from the Michigan Public Service Commission.

Failure to register is a misdemeanor punishable with a fine up to \$500 and /or 90 days in jail.

The initial application fee is \$100 per carrier. The application for Intrastate Motor Carrier Certificate (P-371-GC) is available online at www.dleg.state.mi.us/mpsc/motor/forms/p-371-gc.pdf. Additional information can be obtained at www.michigan.gov/mpsc on the motor carrier page or by calling 517-241-6030.

All motor carriers (for-hire, private and exempt) as well as brokers, freight forwarders, and leasing companies that operate in interstate or international commerce are subject to the UCR registration requirements, therefore, are not required to display a MPSC decal. However, this does not exempt these carriers from obtaining intrastate authority. They are only exempt from the decal requirement.

Michigan Vehicle Code (Act 300)

The following amendments have been made to MCL 257.719 and are effective as of April 11, 2012.

MCL 257.719(2)(i) A recreational vehicle that has its own motive power, in combination with a trailer may be up to 65 feet in length or, if the operator of the recreational vehicle has a group commercial motor vehicle designation on his or her operator's or chauffeur's license, the combination may be up to 75 feet in length.

MCL 257.719(3)(f) Truck tractor and lowboy semitrailer combinations: no maximum overall length, if the lowboy semitrailer does not exceed 59 feet, except as otherwise permitted under this subdivision. A lowboy semitrailer wheelbase shall not exceed 55 feet as measured from the kingpin coupling to the center of the rear axle. A lowboy semitrailer more than 59 feet in length shall not operate with more than any combination of 4 axles on the lowboy unless an oversized load permit is issued by the state transportation department or a local authority with respect to highways under its jurisdiction. As used in this subdivision, "lowboy semitrailer" means a flatbed semitrailer with a depressed section that has the specific purpose of being lowered and raised for loading and unloading.

Federal Texting and Cell Phone Bans Now in Effect

Federal Motor Carrier Safety Administration (FMCSA) rules prohibit the use of all hand-held mobile devices when operating a commercial motor vehicle. This includes, but not limited to, receiving and sending text messages and/or receiving or making calls. Only devices with hands-free features within close proximity to the driver are permitted.

For more information, visit <http://www.fmcsa.dot.gov/about/news/news-releases/2011/Secretary-LaHood-Announces-Step-towards-Safer-Highways.aspx>

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Pending Amendment to Michigan Motor Carrier Safety Act (Act 181) - House Bill 5228

A monumental change to the Michigan Motor Carrier Safety Act (PA 181 of 1963) will be taking effect soon. The changes will remove from portions of the Act vehicles with a gross vehicle weight rating of 10,001 pounds to 26,000 pounds while operating in intrastate commerce.

Compliance for these vehicles will be limited to Parts 391 Driver Qualifications, 392 Driving of Commercial Motor Vehicles, and 393 Parts and Equipment of the Federal Motor Carrier Safety Regulations (FMCSRs) as adopted by the Act.

The Definition of Interstate and Intrastate as defined in 390.5

Interstate commerce means trade, traffic, or transportation in the United States —

(1) Between a place in a State and a place outside of such State (including a place outside of the United States);

(2) Between two places in a State through another State or a place outside of the United States; or

(3) Between two places in a State as part of trade, traffic, or transportation originating or terminating outside the State or the United States.

Intrastate commerce means any trade, traffic, or transportation in any State which is not described in the term "interstate commerce."

Disclaimer

This publication is distributed to provide updated information about changes to state laws and federal regulations. Please review the appropriate section of law or federal regulations prior to enforcement.